IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1690 OF 2007

1.Jagannath Kondiba Mandale,&
2.Dadaso Nana Madane. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.U.R.Agandaurve and Mr.B.R.Patil, Advs. for the Applicants.
Mr.K.V.Saste, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 19th June, 2007.

P.C.:

. Leave to amend. Amendment to be carried out forthwith.

2. Heard the learned Advocate for the Applicants and the learned APP for the State.

3. The applicants are seeking bail in C.R.No.141 of 2006 of Hatkanangle Police Station, District - Kolhapur. The said case is under Sections 302, 376(2)(g) of IPC.

4. It is the prosecution case that Amit and

Shewta came to be robbed and murdered. It is further the prosecution case that Shewta was also subjected to rape.

5. In the present case, the investigation is over and the chargesheet has been filed. The only admissible material against the applicants which has been relied upon by the prosecution is the statement of one Kondiba Kashid. Kondiba Kashid has stated that he is a barber and the present applicant along with others came to him and shaved of their heads stating that if they are caught by the police, the police would catch them by their hair and beat them. As far as the statement of Kondiba is concerned, there is no extrajudicial confession to Kondiba by the applicants or any accused in respect of the present case. The general statement made by the accused in the presence of Kondiba is not enough to show the complicity of the applicants in the present crime. Hence, I am inclined to grant bail to the applicants.

6. The applicants- Jagannath Kondiba Mandale and Dadaso Nana Madane to be released on bail in

the sum of Rs.25,000/- each with one or two sureties to make up the said amount. The applicants shall not enter within the jurisdiction of Hatkangale Police Station, till conclusion of the trial. Before being released on bail the applicants shall inform the officer of Hatkangale Police Station the address at which they will reside during the period that they are on bail. The applicants shall report to LCB, Kolhapur once in a week, till conclusion of trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)